

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 15-17 have been canceled, and claims 4, 13, and 14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2-4, 6-8, and 10-14 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendment of claims 4, 13, and 14 puts this application into condition for allowance as suggested by the Examiner;

(b) the amendment of claims 4, 13, and 14 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised;

(c) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised; and/or

(d) the Martinez reference applied to the claims is newly cited in the final Office Action, and Applicants should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 6, the Examiner states that claims 15-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. All of the pending independent claims 4, 13, and 14 have been amended to include the allowable features of claims 15, 16, and 17, respectively.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, claims 15-17 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. As claims 15-17 have been cancelled, Applicants respectfully submit that this rejection is moot. Moreover, in amending claims 4, 13, and 14, the indefiniteness objection was addressed in the inclusion of the features previously set forth in claims 15-17.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, claims 2-4, 6-8 and 10-14 were rejected under 35 U.S.C. §103 as being unpatentable over IEEE published *From few to many: generative models for recognition under variable pose and illumination* by Georghiades, et al. (hereinafter Georghiades) in view of *Face Image Retrieval Using HMM's* by Martinez. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

In view of the amendments made to independent claims 4, 13, and 14, Applicants respectfully submit that Georghiades and Martinez, taken alone or in combination, fail to teach or suggest at least that the modeling in the picture information inputting is performed by "identifying a partial space in which a vector having a pixel value of the small region as an element is varied and separating the partial space into a partial space corresponding to photometrical variations, and identifying each of the partial spaces successively using sample data." For at least this reason, and in view of the other features of the invention also recited therein, Applicants respectfully submit that independent claims 4, 13, and 14 and the claims

depending directly or indirectly therefrom patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

December 6, 2004

By:

David M. Pitcher

David M. Pitcher
Registration No. 25,908

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501